

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

In re:	)	Chapter 11
	)	Case No. 24-43233-357
)	
URBAN CHESTNUT BREWING)	
COMPANY, INC.	)	Hon. Brian C. Walsh
	)	U.S. Bankruptcy Judge
Debtor.)	
	)	Hearing Date: June 4, 2025
	)	Hearing Time: 11 a.m.
	)	Hearing Location: Eagleton United States
	)	Courthouse
JERRY L. JENSEN,	)	111 S. 10 th Street
Acting United States Trustee,	)	Courtroom 5 North
	)	St. Louis, MO 63102
Movant,)	
)	
v.	)	Response Due: May 28, 2025
)	
URBAN CHESTNUT BREWING)	
COMPANY, INC.)	
)	
Respondent.)	

**UNITED STATES TRUSTEE'S SECOND MOTION TO DISMISS OR CONVERT CASE
TO CHAPTER 7**

Jerry L. Jensen, Acting United States Trustee for the Eastern District of Missouri ("the U.S. Trustee"), by the undersigned Trial Attorney, respectfully requests that this Court enter an order dismissing this case or converting it to a liquidation case under Chapter 7 pursuant to **11 U.S.C. § 1112(b)**.

1. On September 6, 2024 (the Petition Date), Urban Chestnut Brewing Company, Inc. (the "Debtor") filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code.
2. The Debtor has not filed Monthly Operating Reports (MORs) for January, February, or March 2025 and owes outstanding quarterly fees to the United States Trustee.

3. 11 U.S.C. § 1112(b) provides that upon request of a party in interest and after notice and a hearing, the Court, for cause, shall dismiss a case, convert it to a case under Chapter 7, or appoint a trustee under § 1104(a), whichever is in the best interests of creditors and the estate.

4. Section 1112(b)(4) provides examples of “cause” to convert or dismiss, including but not limited to:

(F) unexcused failure to satisfy timely any filing or reporting requirement established by [Title 11] or by any rule applicable in a case under [Chapter 11]; and

(H) failure timely to provide information or attend meetings reasonably requested by the United States trustee (or the bankruptcy administrator, if any);

(K) failure to pay any fees or charges required under chapter 123 of title 28;

5. Section 1112(b)(4)’s examples of cause are not exclusive. *Matter of Berryhill*, 189 B.R. 463, 465 (N.D. Ind. 1995) (citing *In re Gonic Realty Trust*, 909 F.2d 624, 626–27 (1st Cir. 1990)).

6. 11 U.S.C. § 704(a)(8), which is made applicable to Chapter 11 debtors-in-possession by 11 U.S.C. §§ 1106(a)(1) and 1107(a), requires debtors-in-possession to file with the Court, the United States Trustee, and any governmental unit charged with responsibility for collection or determination of any tax arising out of the operation of the debtor’s business, “periodic reports and summaries of the operation of such business, including a statement of receipts and disbursements, and such other information as the United States Trustee or the court requires.”

7. MORs and the information they contain are the “life-blood of the Chapter 11 process” and are more than “mere busy work.” *In re Berryhill*, 127 B.R. 427, 433 (Bankr. N.D. Ind. 1991).

8. The Debtor's failure to file MORs prevents the United States Trustee and other parties from properly supervising this case and constitutes cause to dismiss or convert under 11 U.S.C. §§ 1112(b)(4)(F) and (H).

9. Next, the Debtor has failed to pay quarterly fees to the United States Trustee.

10. The United States Trustee estimates the Debtor owes delinquent fees of approximately \$11,525.88.

11. The Debtor's non-payment of quarterly fees as required by 28 U.S.C. § 1930(a)(6)(A) provides additional cause to dismiss or convert this case under 11 U.S.C. § 1112(b)(4)(K).

12. There are no special circumstances indicating that dismissal or conversion would be contrary to the best interests of Debtor's creditors.

WHEREFORE, for the reasons set forth above, the U.S. Trustee respectfully requests that the Court dismiss this case or convert it to one under Chapter 7, whichever is in the best interests of creditors and the estate.

Respectfully submitted,

JERRY L. JENSEN
Acting United States Trustee

PAUL A. RANDOLPH
Assistant United States Trustee

/s/ Joseph Schlotzhauer
JOSEPH SCHLOTZHAUER
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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing document was filed electronically on May 8, 2025, with the United States Bankruptcy Court and has been served on the parties in interest via e-mail by the Court's CM/ECF System as listed on the Court's Electronic Mail Notice List.

I certify that a true and correct copy of the foregoing document was filed electronically with the United States Bankruptcy Court, and has been served by Regular United States Mail Service, first class, postage fully pre-paid, addressed to the parties listed on the attached **mailing matrix** on May 8, 2025.

/s/ Margaret Slaughter
Paralegal Specialist

0865-4
Case 24-43233
Eastern District of Missouri
St. Louis
Thu May 8 13:23:37 CDT 2025

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The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

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